



Docket No. ENDOV-54735

12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

Jean Paul Marcade, et al.

Serial No.: 09/777,274

Filed: February 5, 2001

TITLE: BIFURCATED GRAFT WITH AN
INFERIOR EXTENSION

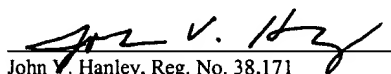
DATE: May 28, 2002

Examiner: David Willse

Group Art Unit: 3738

Certificate of Mailing Under 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on May 28, 2002.


John V. Hanley, Reg. No. 38,171

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DAH:062425 Name/Number:09777274
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TERMINAL DISCLAIMER

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The owner, EndoVascular Technologies, Inc., of 100 percent interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent Nos. 5,676,696 and 5,993,481 as well as U.S. Application Serial No. 09/642,626. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-identified patents or any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of prior patents (5,676,696 and 5,993,481) as well as any patent issuing in respect of U.S. Application Serial No. 09/642,626 as presently shortened by any terminal disclaimer, in the event that such patents later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, are reissued, or are in any manner terminated prior to the expiration of its full statutory terms therefor as shortened by any terminal disclaimer filed prior to grant.

Please charge our Deposit Account No. 06-2425 in the amount of \$130.00 for the terminal disclaimer fee pursuant to 37 C.F.R. § 1.20(d). A duplicate of this letter is enclosed.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 

John V. Hanley

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